

**One-on-One Meeting Notes: Alex Dunn, AA OCSPP
December 2019**

Discussion Topics:

OCSPP

- Thailand Visit – postponed
 - Thailand put a hold on the proposed Glyphosate ban
- Nov 20 court date for the mercury inventory rule

OITA

- Planning for Brazil Mission and Brazil MOU
- Recap of Israel Mission
- Alaska Native Corporations – Consultation

----- INTERNATIONAL -----

Article from the San Francisco Chronicle:

Thailand decides against pesticides ban after pressure from U.S.

Suttinee Yuvejwattana, Bloomberg Nov. 27, 2019

Thailand backed down on a plan to prohibit three pesticides from Dec. 1 after coming under pressure from farmers, the U.S. government and lobbyists for chemicals companies.

The ban on paraquat and chlorpyrifos will be delayed until June 1 next year, Industry Minister Suriya Juangroongruangkit said in a briefing. Glyphosate - commonly sold as weedkiller Roundup - won't be banned but its use will be restricted, he said Wednesday in Bangkok.

A party in Thailand's coalition government had spearheaded the push to prohibit the three pesticides over health risks. But the proposal met with resistance from the agriculture sector as well as the U.S. administration.

A ban would "severely impact" Thai imports of agricultural commodities such as soybeans and wheat, Department of Agriculture Undersecretary Ted McKinney wrote in a letter to Prime Minister Prayuth Chan-Ocha.

Outlawing the chemicals would have affected the animal feed industry, causing 100 billion baht (\$3.3 billion) of disruption, Suriya said. The government would also face a 20-billion-baht compensation bill to clear stockpiles of the chemicals, he said.

Officials plan to begin a four-month study of the impact of prohibiting paraquat and chlorpyrifos, as well as which substitutes are available, according to the industry minister.

Demonstrators marched to Government House on Tuesday to urge officials to assess scientific evidence, the economic impact and whether alternatives are available.

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Last week, Singapore-based CropLife Asia, a trade group representing pesticide firms, asked Prayuth to delay the ban because of the potential disruption to the agriculture sector.

Millions of farmers in the U.S. and elsewhere use Roundup, a chemical developed by American firm Monsanto and now produced by a number of companies. Germany's Bayer AG took over Monsanto in a \$63 billion deal last year.

Glyphosate is banned or restricted in a range of places, such as Vietnam and Austria, and triggered a flurry of lawsuits in the U.S. from people alleging it causes cancer. The German drugs and chemicals maker insists it's safe.

About 11 million of Thailand's 69 million people are employed in agriculture. The nation is among the world's top exporters of rice, rubber and sugar.

New MOU with Brazil

- OITA is working with the Brazilian Ministry of Environment (MMA) to plan an AAW visit to Brazil January 29 to February 4.
- OITA is developing a new MOU between EPA and MMA for collaboration between the two agencies, which would be signed during the visit.
- During their meeting on September 19, the Administrator and Brazil's Minister of Environment determined six key areas for the new MOU:
 - Protection and restoration of oceans from pollution;
 - Solutions and best practices for combating marine litter;
 - Alternative technologies for sewage treatment;
 - Water quality restoration and protection;
 - Methodology and instruments of environmental licensing and impact assessment; and
 - Sound waste management for reducing waste generation, including recycling and food waste.
- AAW and Minister Salles left the door open for other areas of cooperation in the future, including chemical safety (e.g., risk and ecotoxicological monitoring) and sharing best practices to reduce toxics.

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----- TRIBAL -----

Alaska Native Claims Settlement Act (ANCSA) Corporations – Consultation

- Another facet of our work with consultation relates to Alaska, and the unique legal status of the corporations that exist there, which were established in the 1970s. Alaska Native Villagers are the shareholders of these corporations.
- EPA is obligated to consult with these corporations, based on two Consolidated Appropriations Acts issued in 2014, which directed agencies to “consult with ANCSA Corporations on the same basis as tribes under Executive Order 13175.”
- EPA has used an internal FAQ to address this issue since 2004 and EPA Region 10 has managed an informal process to discuss consultation with corporations on an issue-by-issue basis.
- In March 2019, the Government Accounting Office (GAO) published a recommendation that EPA “develop a document or clarify existing policy to implement the statutory requirement ...” by the end of 2019. EPA committed to this action and timeline in a written response to GAO.
- In response, OITA worked with staff from OGC, Region 10 and Office of Policy to draft the Guiding Principles for Consulting with Alaska Native Claims Settlement Act Corporations document. When this document goes out for consultation it will meet the timeline toward completing the recommendation from GAO.
- This document seeks to clarify when EPA should consult with ANCSA Corporations and outlines a consistent, Agency-wide process for completing a consultation with ANCSA corporations.
- The threshold for determining if consultation with an ANCSA corporation is consistent with Department of Interior and several other USG agencies. Specifically, it calls for consultation on any EPA regulation, rulemaking, policy, guidance, legislative proposal or operational activity that may

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substantially affect ANCSA corporation land, water areas, or resources, or impact their ability to participate in EPA programs for which it qualifies.

- We understand that this action will lead to many questions regarding implementation. The workgroup that drafted the Guiding Principles will be working closely with EPA tribal program staff to address these in 2020.
- This action may initially increase the number of consultations EPA undertakes with ANCSA corporations, particularly requests from corporations. The EPA office initiating an action will remain the decisionmaker for these determinations.
- Unlike the requirement under EPA's Policy for Consultation and Coordination with Indian Tribes for mailing hard copies of consultation notification letters to each individual tribe, OITA is proposing that notifications for consultations with ANCSA corporations be distributed by sending digital copies to 13 email addresses updated regularly by OITA and Region 10.
- Consultation with Alaska Native Villages and ANCSA Corporations is expected to begin on December 12, with an announcement at the Region 10 Tribal Operations Committee meeting. The consultation period is expected to last for 120 days.